

Express Mail Label No.: EV139504214US

Date of Deposit: November 22, 2002

11-26-02 Box 529 MP \$

Attorney Docket No. 15966-575CIP (CURA-75CIP)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Prayaga, et al.
SERIAL NUMBER : 10/083,919 EXAMINER : Not Yet Assigned
FILING DATE : February 27, 2002 ART UNIT : 1645
FOR : Endozepine-Like Polypeptides and Polynucleotides Encoding Same
November 22, 2002
Boston, Massachusetts

Box Sequence

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

TRANSMITTAL LETTER

Enclosed herewith are the following for the above-identified non-provisional patent application:

1. Copy of Notice to File Missing Parts of Nonprovisional Application (2 pages);
2. Response to Notice to File Missing Parts (2 pages);
3. Check No. 14717 in the amount of \$130.00;
4. Combined Declaration and Power of Attorney for Patent Application (3 counterparts, 5 pgs each = 15 pages);
5. Petition for Five-Month Extension of Time (1 page);
6. Check No. 14718 in the amount of \$1,960.00;
7. Sequence Listing – paper copy (188 pages);
8. Statement in Support of Computer Readable Form (1 page);
9. Sequence Listing, Computer Readable Form (1 disk);
10. Preliminary Amendment (2 pages);
11. Copy of Petition under 37 C.F.R. §1.47(a) (4 pages); and
12. Return postcard.

DISK TO STIC

DATE:

11-22-02

Serial No. 10/083,919
Applicants: Prayaga, *et al.*

Applicant believes that no additional fees are due with this submission. However, the Commissioner is hereby authorized to charge any fee that may be due, or to credit any overpayment, to Deposit Account No. 50-0311 (Reference No. 15966-575CIP (CURA-75CIP). A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Date: November 22, 2002



30623

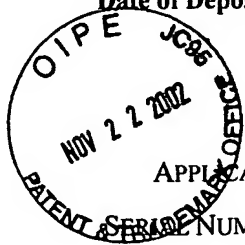
PATENT TRADEMARK OFFICE

TRA 1736534v1

Christine V. Karnakos, Reg. No. 45,899
Ivor R. Elrifi, Reg. No. 39,529
Janine M. Susan, Reg. No. 46,119
Attorney for Applicants
c/o MINTZ, LEVIN
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241

Express Mail Label No.: EV139504228US
Date of Deposit: November 22, 2002

11-25-02
DA C \$
Attorney Docket No. 15966-575CIP (Cura-75CIP)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Prayaga, et al.

SERIAL NUMBER : 10/083,919

EXAMINER : Not Yet Assigned

FILING DATE : February 27, 2002

ART UNIT : 1645

FOR : ENDOZEPINE-LIKE POLYPEPTIDES AND POLYNUCLEOTIDES
ENCODING SAME

BOX DAC
Commissioner for Patents
Washington, D.C. 20231

RECEIVED

NOV 26 2002

OFFICE OF PETITIONS

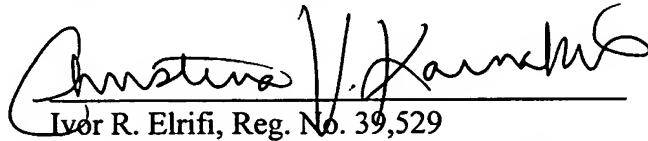
TRANSMITTAL

1. Petition for Filing Patent Application under 37 C.F.R. § 1.47(a) (4 pgs.);
2. Exhibits A-F (33 pgs. including tabs);
 - A. Copy of Employment Agreement (4 pgs.);
 - B. Copy of Combined Declaration and Power of Attorney (3 counterparts; 15 pgs. total);
 - C. Copy of Certified Letter dated October 25, 2002 (4 pgs.);
 - D. Copy of Letter dated November 2, 2002 (1 pg.);
 - E. Copy of E-mail dated November 20, 2002 (1 pg.); and
 - F. Copy of Response to Notice to File Missing Parts (2 pgs.);
3. Check No. 14731 in the amount of \$130.00; and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at telephone (617) 542-6000.

Applicants believe that no additional fees are due, however the Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayments to Deposit Account No. 50-0311 (Reference No. 15966-575CIP (Cura-75CIP)).

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Christina V. Karnakis", written over a horizontal line.

Ivor R. Elrifi, Reg. No. 39,529

Christina V. Karnakis, Reg. No. 45,899

Attorneys for Applicant

c/o Mintz, Levin

One Financial Center

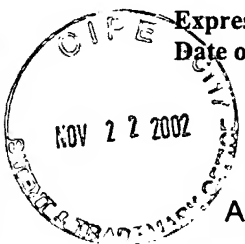
Boston, MA 02111

Telephone: (617) 542 6000

Fax: (617) 542 2241

Dated: November 22, 2002

#7



Express Mail Label No.: EV139504214US
Date of Deposit: November 22, 2002

Attorney Docket No. 15966-575CIP (CURA-75CIP)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Prayaga, et al.
SERIAL NUMBER : 10/083,919 EXAMINER : Not Yet Assigned
FILING DATE : February 27, 2002 ART UNIT : 1645
FOR : Endozepine-Like Polypeptides and Polynucleotides Encoding Same
November 22, 2002
Boston, Massachusetts

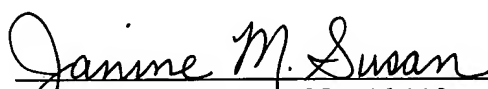
Box Sequence
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

**STATEMENT IN SUPPORT OF COMPUTER READABLE
FORM SUBMISSION UNDER 37 C.F.R. § 1.821(f)**

I hereby state that the content of the paper and computer readable forms of the Sequence Listing, submitted in the above-identified application in accordance with 37 C.F.R. § 1.821(c) and 1.821(e), respectively, are the same. No new matter is added.

Respectfully submitted,

November 22, 2002


Janine M. Susan, Reg. No. 46,119
Agent for Applicant
c/o Mintz, Levin
One Financial Center
Boston, MA 02111
Telephone (617) 542 6000
Fax : (617) 542 2241

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/083,919	02/27/2002	Sudhirdas K. Prayaga	15966-575CIP

30623

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

CONFIRMATION NO. 6337

FORMALITIES LETTER



OC000000007923662

Date Mailed: 04/22/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600

11/27/2002 MBLANCO 00000002 10083919

01 FC:1051

130.00 OP

- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Express Mail Label No.: EV139504214US
Date of Deposit: November 22, 2002

PATENT APPLICATION
Attorney Docket No. 15966-575CIP CURA-75CIP)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Prayaga, et al.
SERIAL NUMBER : 10/083,919
FILING DATE : February 27, 2002
FOR : Endozepine-Like Polypeptides and Polynucleotides Encoding Same

EXAMINER : Not Yet Assigned
ART UNIT : 1645

November 22, 2002
Boston, Massachusetts

Box Sequence
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

RECEIVED
JAN 02 2003
OFFICE OF PETITIONS

RESPONSE TO NOTICE TO FILE MISSING PARTS

In response to the Notice To File Missing Parts of Nonprovisional Application mailed April 22, 2002, Applicants submit herein a check for the surcharge of \$130.00 as set forth in 37 C.F.R. §1.16(e), a copy of the Notice to File Missing Parts, a Petition for a Five Month Extension of Time, a check in the amount of \$1,960.00 to cover the extension of time, a Preliminary Amendment, a Statement in Support of CRF, an electronic (disk) and a paper copy of the Sequence Listing, and a Combined Declaration and Power of Attorney executed by 12 of the 13 inventors. In addition, Applicants include herewith a copy of a Petition under 37 C.F.R. § 1.47(a) for filing a patent application when an inventor refuses to sign, submitted to the Office of Petitions on this date.

This response is due on or before November 22, 2002, with the extension. Applicants believe that no additional fees are due, however the Commissioner is authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No.15966-575CIP (CURA-75CIP).

Respectfully submitted,

Date: November 22, 2002

En Christina Karnakis, Reg. No.
Ivor R. Elrifi, Reg. No. 39,529 45,899
Janine M. Susan, Reg. No. 46,119
Attorney/Agent for Applicants
c/o MINTZ, LEVIN
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241

TRA 1736513v1



Christina V. Karnakis, Esq.

Direct dial 617 348 1817

cvkarnakis@mintz.com

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

One Financial Center
Boston, Massachusetts 02111

617 542 6000

617 542 2241 fax

October 25, 2002

**VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED**

Kumud Majumder, Ph.D.
2398 High Ridge Road
Stamford, CT 06903

Re: United States Patent Application No. 10/083,919
Entitled: "*Endozepine-like polypeptide and polynucleotides encoding same*"
Applicants: Prayaga et al.
Our Ref.: 15966-575 CIP (CURA-75 CIP)

United States Patent Application No. 10/139,854
Entitled: "*Novel polypeptides and nucleic acids encoding same*"
Applicant: Majumder
Our Ref.: 15966-675 CON2 (CURA-175 CON2)

United States Patent Application No. 10/150,813
Entitled: "*Novel polypeptides and nucleic acids encoding same*"
Applicant: Majumder
Our Ref.: 15966-675 CIP1CON2 (CURA-175 CIP1CON2)

United States Patent Application No. 10/150,164
Entitled: "*Novel polypeptides and nucleic acids encoding same*"
Applicant: Majumder
Our Ref.: 15966-675 CIP2CON2 (CURA-175 CIP2CON2)

United States Patent Application No. 10/157,104
Entitled: "*Novel proteins and nucleic acids encoding the same*"
Applicant: Majumder
Our Ref.: 15966-694 CIP2CON2 (CURA-194 CIP2CON2)

October 25, 2002

Page 2

United States Patent Application No. 10/246,583
Entitled: "Novel polypeptides and nucleic acids encoding same"
Applicant: Majumder
Our Ref.: 15966-729 CIP2CON1 (CURA-129 CIP2CON1)

United States Patent Application No. 10/174,333
Entitled: "Novel proteins and nucleic acids encoding same"
Applicants: Vernet et al.
Our Ref.: 15966-783 CIP1 (CURA-283 CIP1)

Dear Dr. Majumder:

I am a patent attorney at Mintz Levin. We are prosecuting the above-referenced United States Patent Applications (USSN 10/083,919; USSN 10/139,854; USSN 10/150,813; USSN 10/150,164; USSN 10/157,104; USSN 10/246,583; and USSN 10/174,333) before the United States Patent and Trademark Office ("USPTO") on behalf of CuraGen Corporation.

In order to complete the filing formalities for these patent applications, we ask that, for each application, you sign and date the enclosed Combined Declaration and Power of Attorney and the Assignment documents, which convey your rights to CuraGen Corporation. You should review these documents and, if satisfactory, date and sign where indicated. Please note that the Assignment documents must be signed in the presence of a notary. In addition, for USSN 10/150,164 and USSN 10/157,104, you need to sign the Declaration Under 37 C.F.R. §1.68, which certifies that, to the best of your knowledge, "the invention was not made, conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with, or for the benefit of, the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy" and that "the invention was not made, conceived of, or first actually reduced to practice, under any contract of the National Aeronautics and Space Administration, nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration". Kindly return all executed documents to us in the enclosed self-addressed Federal Express envelope by November 5, 2002.

Under ¶1 of the CuraGen Employee Confidential Information and Invention Agreement (the "Agreement"), you are required to execute these documents. For your convenience, we attach a copy of the Agreement executed by you on October 20, 1997. If we do not hear from you prior to November 5, 2002, we will assume that you refuse to execute these documents.

We take this opportunity to remind you that individuals associated with the filing and prosecution of a United States patent application have a duty to disclose material information relevant to the patentability of all claims pending in the application. While not exhaustive, this information can include publications and patents, as well as information regarding offers for sale of the claimed invention, or other public disclosures of the claimed invention. Accordingly, you

October 25, 2002

Page 3

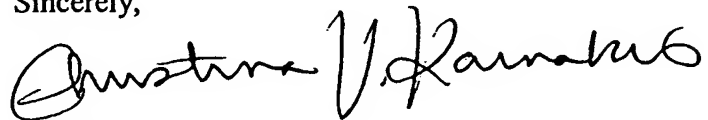
should let us know if you are aware of any publications or prior art not cited in the application which relate to the field of the invention, even if the publication was of limited distribution (such as a copy of a thesis in a library or a handout at a conference). You should also let us know about any publications by the applicants relating to the invention, and any commercial activity occurring before the filing of the application and involving the invention, including any trade show exhibits, scientific meeting posters, test marketing, beta site use, sales, offers for sale, or acts or communications that might be viewed as offers for sale.

The duty to disclose material information extends to persons substantially involved with the application, including the applicant(s) and their attorneys. In addition, the duty to disclose information is on-going during the pendency of the application.

Failure to disclose such information may result in a patent being declared unenforceable, even though some or all of its claims may be otherwise valid. Conversely, information properly brought to the attention of the USPTO creates a presumption that the information has been fully considered by a patent examiner.

Please do not hesitate to contact us if you have any questions or if you require additional information.

Sincerely,



Christina V. Karnakis

CVK

Enclosures: Employee Confidential Information and Invention
Agreement executed 10/20/1997 (5 pages)

Copy of USSN 10/083,919 (CURA-75 CIP) (165 pages)
Official Filing Receipt for USSN 10/083,919 (3 pages)
Assignment for USSN 10/083,919 (6 pages)
Combined Declaration and Power of Attorney for USSN 10/083,919 (5 pages)

Copy of USSN 10/139,854 (CURA-175 CON2) (139 pages)
Official Filing Receipt for USSN 10/139,854 (2 pages)
Assignment for USSN 10/139,854 (2 pages)
Combined Declaration and Power of Attorney for USSN 10/139,854 (3 pages)

Copy of USSN 10/150,813 (CURA-175 CIP1CON2) (169 pages)
Official Filing Receipt for 10/150,813 (2 pages)

October 25, 2002

Page 4

Assignment for USSN 10/150,813 (2 pages)
Combined Declaration and Power of Attorney for USSN 10/150,813 (3 pages)

Copy of USSN 10/150,164 (CURA-175 CIP2CON2) (176 pages)
Official Filing Receipt for USSN 10/150,164 (2 pages)
Assignment for USSN 10/150,164 (2 pages)
Combined Declaration and Power of Attorney for USSN 10/150,164 (3 pages)
Copy of Notice from USPTO regarding Department of Energy Review for
USSN 10/150,164 (1 page)
Declaration of Kumud Majumder Under 37 C.F.R. § 1.68
for USSN 10/150,164 (2 pages)

Copy of USSN 10/157,104 (CURA-194 CIP2CON2) (194 pages)
Official Filing Receipt for USSN 10/157,104 (2 pages)
Assignment for USSN 10/157,104 (2 pages)
Combined Declaration and Power of Attorney for USSN 10/157,104 (4 pages)
Copy of Notice from USPTO regarding Department of Energy Review for
USSN 10/157,104 (2 pages)
Declaration of Kumud Majumder Under 37 C.F.R. § 1.68
for USSN 10/157,104 (2 pages)

Copy of USSN 10/246,583 (CURA-129 CIP2CON1) (184 pages)
Official Filing Receipt for USSN 10/246,583 (2 pages)
Assignment for USSN 10/246,583 (2 pages)
Combined Declaration and Power of Attorney for USSN 10/246,583 (3 pages)

Copy of USSN 10/174,333 (CURA-283 CIP1) (293 pages)
Official Filing Receipt for USSN 10/174,333 (3 pages)
Assignment for USSN 10/174,333 (10 pages)
Combined Declaration and Power of Attorney for USSN 10/246,583 (8 pages)

Self-addressed Federal Express envelope

cc: Ivor R. Elrifi, Esq. (w/o encls.)
Naomi Biswas, Esq. (w/o encls.)
Ms. Jenell Lawson (w/o encls.)



November 02, 2002

Ms. Christina V. Karnakis, Esq.
Mntz, Levin etc, P.C.
One Financial Center
Boston, MA 02111

Dear Ms. Karnakis,

This is to confirm our telephonic discussion on my signing the patent application related documents sent by you.

As mentioned earlier, I will be very happy to help you in all aspects. However, I have been doing this as a free service to your client in the past and has already spent more than hundred hours reading and/or signing a total of several hundred pages. With my busy schedule (my time is booked for next several months), I can not provide this service free of charge any more. Henceforth I will charge my usual compensation of \$120/hr for the time I spend in processing the documents. This cost is only to cover my time spent and does not imply that I am receiving compensation for my contribution to the research work or rights of the patents. I believe that I'll need a total of 80-100 hours to read and understand the several hundred pages you have sent me. This also includes signing and notarization time.

If this arrangement is agreeable to you, please confirm by mail, and I'll process the documents in the order suggested by you. Also, I'll bill you for the time actually spent and the payments will be due on the 10th business day of billing. In case I'm paid 50% in advance, I can reduce my hourly rate considerably. Also, I'll do my best to provide timely service to you.

Alternatively, I can authorize my intellectual property attorney to process the papers for you and his time will be directly billed to you. His typical billing rate is \$250/hr, but might be higher on a case-to-case basis. Please note that the estimated processing time in his case could be upwards of 200 hours. Understandably, I can not be held responsible for any processing delays in this case.

Thanking you and looking forward to working with you.

Sincerely,

Kumud Majumder, Ph.D.
President
Panacea Consulting Services,
A Division of P.A.T. Inc.
Stamford, CT

Susan, Janine M.

From: Davis, Wendy [wdavis@CuraGen.com]
Sent: Wednesday, November 20, 2002 5:33 PM
To: Susan, Janine M.; Biswas, Naomi
Cc: Lawson, Jenell; McLeod, Christopher; Starzecki, Donna; Malicki, Jannine
Subject: RE: Kumud Majumder, Cura 75 CIP

Janine,

Our Jannine Malicki of CuraGen's HR department has relayed to us that Kumud has told Jim Shea (Jackson Lewis) that "no way, I'm not signing". Therefore, as discussed previously, please proceed with filing a petition regarding non-signing inventor. If you need additional facts to support the petition please let me know.

Thank you
Wendy

Wendy L. Davis
Patent Agent
CuraGen Corporation
wdavis@curagen.com
(203) 871-2122 (direct)

LEGAL NOTICE:

Unless expressly stated otherwise, this message is confidential and may be privileged. It is intended for the addressee(s) only. Access to this e-mail by anyone else is unauthorized. If you are not an addressee, any disclosure or copying of the contents or any action taken (or not taken) in reliance on it is unauthorized and may be unlawful. If you are not an addressee, please inform the sender immediately.